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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/330,381	06/11/1999	DALE C. MCCARTHY	219507-000031	9335

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EXAMINER
NGUYEN, KHIEM M

ART UNIT	PAPER NUMBER
2839	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/330381	Applicant(s) MCCARTHY
	Examiner K. NGUYEN	Group Art Unit 2839

—The MAILING DATE of this communication appears on the cover sheet beneath th correspondence address—

P riod for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

☒ Responsive to communication(s) filed on _____.

☒ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 1-24 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-24 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Pri rity under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____.

☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____.

Attachment(s)

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other _____

Office Action Summary

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-9, 14-15, 17-21, 23-24 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 5, 775,934 in view of Lin et al.

It would have been obvious for one of ordinary skill in the art to rotatably mount the compression collar 27 of the patent to the connector body and to utilize the patent's connector for use with a battery in view of Lin's teachings cable connector 1 provided rotatably mounted compression collar 2 for use with a battery (see figure 6).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 11-12, 14-15 and 17-20, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrington in view of Lin et al.

Herrington discloses an electrical connector (10) for coupling to an electrical conductor (33) comprising a body having an electrically conductive prong (21). Herrington's gripping collar 30 doesn't seem to be rotatably mounted on the body and sized to fit over an electrical conductor passing therethrough. Lin et al. discloses a compression collar 2 rotatably mounted on the body and sized to fit over an electrical conductor 4 passing therethrough. Therefore, it would have been obvious for one of ordinary skilled in the art to provide the above mentioned compression collar for the Herrington's device in view of the teachings of Lin et al. A rotatably mounted compression collar that is sized to fit over an electrical conductor would seem to provide a better electrical connection.

4. Claims 1-6, 9-15, 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barth in view of Lin et al.

Barth discloses a battery cable connector comprising a body (15) having threads formed thereon and having an electrically conductive prong (14) attached thereto along an elongated axis of said body and extending therefrom for piercing the end of an electrical cable (13). A cap (11) having threads thereon removably attached to said body threads and having an opening therethrough. Said cap being aligned with said body conductive prong when said cap is attached to said body. Barth lacks a compression collar sized to fit over said conductive prong and over an electrical conductor passing through said cap. Lin et al. discloses an electrical cable connector for electrically connecting a cable 4 to a provided with a compression collar 2 having a plurality

of gripping fingers 24. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a compression collar having a plurality of gripping fingers for battery cable connector of Barth in view of the teachings of Lin et al. A compression collar would provide for better retention of the cable to the connector body which would result in a better electrical connection between the cable's conductors and the conductive prong.

5. Claims 7-8, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barth in view of Lin et al. as applied to claims 1 and 11 above, and further in view of Gourley et al.

Barth in view of Lin et al. discloses the claimed instant invention except an electrical conductive prong having two ends. Gourley et al. discloses a conductive prong (31) for cable connection having two ends. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a two ends conductive prong for the modified connector device of Barth in view of Lin et al. This feature would allow for simultaneous connection of multiple cables to one connector housing.

6. Claims 1-15, 16-22, and 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al. in view of Herrington, Gourley et al. and Britain'156.

Lin et al. discloses the claimed battery cable connector 1 with rotatably mounted compression collar 2 as that of the present invention. Lin's cable connector body lacks an electrically conductive prong attached thereto along an elongated axis of said body and extending therefrom for piercing the end of an electrical conductor being attached thereto.

Herrington, Gourley and Britain'156 all disclose cable connector each provided with an electrically conductive prong attached thereto along an elongated axis of said body and extending therefrom for piercing the end of an electrical conductor being attached thereto.

Therefore, it would have been obvious for one of ordinary skill in the art to provide Lin's connector with an electrically conductive prong attached thereto along an elongated axis of said body and extending therefrom for piercing the end of an electrical conductor being attached thereto in view of the teachings of Herrington, Gourley or Britain'156 teachings. The use of a piercing conductive prong would provide a better electrical connection of the conductor to the connector body of Lin et al.

Regarding claims 7-8, and 16 Gourley et al. discloses a conductive prong (31) for cable connection having two ends. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a two ends conductive prong for the connector device Lin et al. This feature would allow for simultaineous connection of multiple cables to one connector housing.

Regarding claim 21, Britain'156 compression collar 15 also shows a plurality of gripping fingers with pointed tips.

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 14 above, and further in view of Gadke.

It also would have been obvious to construct or provide the above prior art references with a gripping collar fixedly attach to the body in view of cable connector body 8 provide with an

integrally formed gripping collar 12. This feature would also seem to be a matter of obvious design choice to integrally formed of a separate body part for reducing the number of parts.

8. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Regarding applicant's remarks with respect to the Barth reference that his wedge or prong 14 is separate from and is not attached to the connector body. However, it is submitted that Barth does discloses that his wedge 14 is attached to connector body by washer 25. Also it is submitted that to integrally attach the conductive prong to the connector body is old and well known.

9. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 11/06/00 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 609(B)(2)(i). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Khiem Nguyen whose telephone number is (703) 308-1738.

KHIEM NGUYEN
PRIMARY EXAMINER

K.N.

June 29, 2003